



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,428	04/10/2006	Albertus Cornelis Den Brinker	NL 031261	3747

24737 7590 04/06/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

04/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,428

Applicant(s)

DEN BRINKER ET AL.

Examiner

Daniel D. Abebe

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 5, 6 and 8-14 is/are rejected.
7) ☒ Claim(s) 2-4 and 7 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed audio stream is rejected because it is directed to a signal claim which doesn't fall within at least one category of patent eligible subject matter as recited under 35 U.S.C. 101.

Claim Objections

Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 is improper dependent claim because it includes all the limitations of two independent claims without introducing further limitation to either one.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-6 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (2008/0082325) and further in view of Toyama et al. (2004/0039568).

As to claims 1 and 13, Tsuji teaches a method (Fig.9) of encoding an audio signal, comprising the steps of:

Obtaining a sampled signal of sequential time segments (11);

Analyzing the samples to determine one or more sine wave components for each of the segments (12);

Linking/correlating the sinusoidal components across the segment to provide a sinusoidal track (channel) each channel comprising a number of frames (Fig.11); and

Generating an encoded audio stream for the frames where the encoded audio stream includes representation level (quantization level of the frames) and the code comprises, phase parameter, frequency parameter and quantization information (19; Fig.18), (Figs.2-31; Par.0013-0018; 0091).

It is noted that Tsuji doesn't explicitly teach where the quantization accuracy information is a quantization table. Toyama however teaches a method of encoding an audio signal the method including the step of extracting frequency and phase component from an audio signal and encoding the signal component into codes and wherein the encoded data includes depending on occasional demand a quantization table (Fig.5, #15; Figs, 8, 10, 14; Par.0037, 0041, 0111, 0129). the combination of Toyama teaching into Tsuji system would be obvious to one of ordinary skill in the art at

the times of applicant's invention for the purpose of reducing the bits required to encode the quantization level.

As to claim 5, according to Tsuji the coded phase and frequency information for the frame represent the current phase and frequency of the signal (Par.0078).

With regard to claims 6 and 11, Tsuji (Fig.10) and Toyama (Fig.6) teach the corresponding decoder and synthesizer for receiving the audio stream encoded as recited in claim 1 and synthesizing the audio signal (Par.0095-0098; Par.0038-0040).

With regard to claim 12, the corresponding system comprising the encoder and the synthesizer as recited in the respective claims above is also rejected by Tsuji and Toyama as both arts disclose the system.

As to claim 8, Toyama teaches where the encoded audio stream includes Huffman code (claim 9).

As to claim 9, according to Tsuji the phase and frequency information for the frame represent the current phase and frequency of the signal (Par.0078).

As to claim 10, the corresponding encoder for performing the encoding method of claim 1 is analogous and therefore rejected by Tsuji in view of Toyama for the foregoing reasons.

As to claim 14, Tsuji teaches a recording medium for storing the encoded audio stream (Par.0002).

Allowable Subject Matter

Claims 2-4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the claims are allowable because the prior arts of record do not teach where the codes are made in dependence upon a trigger signal and where index representing the quantization table is transmitted at a random access frame instead of the quantization table.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626